

Appl. No.: 10/015,617  
Amdt. dated 02/14/2006  
Reply to Office action of December 15, 2005

### REMARKS/ARGUMENTS

In the final Office Action dated December 15, 2005, Claims 1-2, and 9-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent No. JP 10190796 A to Horiuchi ("Horiuchi"). Claims 3-8, 13, 15 and 17-28 were rejected under 35 U.S.C. § 103(a) as being obvious over Horiuchi, while Claims 3-7, 17, 19, 21, 23, 25 and 27 were rejected under 35 U.S.C. § 103(a) as being obvious over Horiuchi in view of U.S. Patent No. 5,394,913 to Zezza, Jr. ("Zezza"). As explained below, Applicant respectfully submits that the claimed invention of independent Claim 1, and by dependency 2-13, 15, 17, 19, 21, 23, 25, and 27, is patentably distinct from the Horiuchi patent, taken either individually or in combination with Zezza. As such, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

Claim 1 of the present application is directed to an electronic device comprising a housing and a cover connected by a hinge. The hinge comprises a flexible pivot member about which the cover may pivot with respect to the housing between an open and a closed position of the electronic device. The housing and the cover are also interconnected by at least one resilient biasing strap. The at least one biasing strap is configured to bias the cover into the open position in which the cover extends away from the housing. The at least one biasing strap is made from a material which does not change length when the cover is opened.

Horiuchi is directed to a removable case for a flip-type mobile telephone. The mobile phone is a flip-type mobile phone having two portions A1 and A2 that are connected by a conventional barrel-type hinge A3. The removable fabric case comprises a base fabric 1 for covering the outside face of a mobile telephone. The base fabric 1 has "bag shape" housing parts 3 and 4 at each end. These bag-shaped housing parts form respective openings 3a and 4a for each receiving one of the two portions A1 and A2 of the flip-type mobile phone. The base fabric 1 comprises a fabric hinge part 5 that is positioned in the base fabric 1 so as to cover the outside of the phone in the region of the hinge A3. The fabric hinge part 5 is formed from elastic material, such as synthetic rubber. When the flip-type phone is placed in a closed position, the elastic material 5 is stretched lengthwise providing tension between the two housing parts 3 and 4 of the removable case. The fabric case further comprises an attaching part 2 for attaching one housing part of the case 3 to the other housing part of the case 4 in order to hold the case (and

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thereby the phone contained therein) in a closed position. Thus, when the attaching part 2 is released, the phone automatically opens due to the tension caused by the tendency of the elastic fabric hinge part 5 to return to its original length. See Horiuchi, Abstracts of Japan and the machine translation.

Horiuchi does not teach or suggest at least the following aspects of the claimed invention:

(1) Horiuchi does not teach or suggest a housing and a cover connected by a hinge, where the hinge is comprised of a flexible pivot member; (2) Horiuchi does not teach or suggest an electronic device having both a hinge comprising a flexible pivot member and at least one resilient biasing strap; and (3) Horiuchi does not teach or suggest a resilient biasing strap where the at least one biasing strap is made from a material which does not change length when the cover is opened.

**1. Horiuchi does not teach or suggest a hinge comprising a flexible pivot member.**

Independent Claim 1 recites "a housing and a cover connected by a hinge, the hinge comprising a flexible pivot member about which the cover may pivot with respect to the housing between an open and a closed position of the electronic device." Figure 1 of the present application shows the flexible member 5. As explained in the specification of the present application, the flexible member 5 joins the front casing 2 to the cover 4 and is preferably made of a rubber or polymer material. See the specification, page 3, lines 29-31. The flexible member 5 limits sideways movement of the cover 4 relative to the housing and prevents it from twisting. See the specification, page 2, lines 31-33.

Although Horiuchi discloses a hinge A3 connecting two portions of a mobile device, Horiuchi does not teach or suggest where the hinge is comprised of a "flexible pivot member" as recited by independent Claim 1. In contrast to the claimed invention, Horiuchi describes a more conventional barrel-type hinge where each of the two phone portions has at least one cylindrical barrel, the barrels of the two phone portions being connected via a hinge pin disposed within the barrels.

The Office Action cites fabric hinge part 5 of Horiuchi as teaching the flexible pivot member of Claim 1. Claim 1, however, recites that the housing and the cover member are connected by the hinge, and that the cover member pivots about the flexible member with respect to the housing. In contrast, the fabric hinge part 5 of Horiuchi connects the two portions of the

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removable fabric case that fits over the mobile phone. Fabric hinge part 5 of Horiuchi does not connect the two portions of the mobile phone itself and, instead uses hinge A3 for that purpose. Similarly, in Horiuchi the two portions of the mobile phone pivot about the hinge A3, and not about the fabric hinge part 5. Furthermore, the specification of the present invention describes how the flexible member 5 limits sideways movement of the cover 4 relative to the housing and prevents it from twisting. See the specification, page 2, lines 31-33. It appears as though Horiuchi uses hinge A3 to prevent twisting of one phone portion relative to the other. The flexible fabric hinge part 5 of Horiuchi would do little, if anything, to prevent twisting of one portion of the phone relative to the other portion. Thus, for at least all of the reasons outlined above, neither the fabric hinge part 5 nor the hinge A3 of Horiuchi teach or suggest "a housing and a cover connected by a hinge, the hinge comprising a flexible pivot member about which the cover may pivot with respect to the housing," as recited by independent Claim 1.

***2. Horiuchi does not teach or suggest an electronic device having both a hinge comprising a flexible pivot member and at least one resilient biasing strap.***

Independent Claim 1 recites "an electronic device comprising a housing and a cover connected by a hinge, the hinge comprising a flexible pivot member . . . , the housing and the cover also being interconnected by at least one resilient biasing strap." Thus, Claim 1 recites that the hinge (comprising a flexible pivot member) and the one resilient biasing strap are two separate and distinct structures. Figures 1, 4A, and 4B of the present application show how the flexible pivot member 5 (labeled 5 in Figure 1 and not labeled in Figures 4A and 4B) is used as the hinge connecting the cover 4 to the housing (2 and 3). Figures 4A and 4B further show how straps 30 are separate structures configured to bias the cover 4 into the open position. The Office Action cites the fabric hinge part 5 of Horiuchi as anticipating both the flexible pivot member and the resilient biasing strap of the claimed invention. Since Claim 1 recites an electronic device comprising two separate structures (a flexible pivot member and also a resilient biasing strap), the single-structure fabric hinge part 5 of Horiuchi does not anticipate a device having both a flexible pivot member and a resilient biasing strap. Even if hinge A3 and fabric hinge part 5 of Horiuchi are both cited as anticipating the flexible pivot member and the resilient biasing strap of the claimed invention, Horiuchi does not teach the flexible pivot member (as described

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in Section 1 above) or the resilient biasing strap (as described in Section 3 below) of independent Claim 1.

**3. Horiuchi does not teach or suggest a resilient biasing strap where the at least one biasing strap is made from a material which does not change length when the cover is opened.**

Claim 1 further recites "the housing and the cover also being interconnected by at least one resilient biasing strap, . . . wherein the at least one biasing strap is made from a material which does not change length when the cover is opened." As described by the specification, in one embodiment of the claimed invention, the resilient biasing strap is made of metal. Figures 4A-4C show how the resilient biasing strap 30 bends as the cover is opened and closed but does not change length (to any substantial degree). The "resiliency" of the biasing strap is its tendency to return to its unbent shape (e.g., the shape of the strap when the cover 4 is in the open position). In contrast, Horiuchi discloses a fabric hinge part 5 made of elastic fabrics or elastic materials, such as synthetic rubber, that stretch and change length when the phone is opened and closed. Specifically, Horiuchi describes how the stretching of, or the "telescopic motion" of, the fabric hinge region 5 provides tension between the two portions of the removable telephone case thereby providing an automatic opening function for the telephone in the case. See, e.g. Horiuchi machine translation, ¶¶ 0017 and 0020; see also Horiuchi, Patent Abstracts of Japan. Thus, Horiuchi does not teach or suggest a biasing strap made from a material that does not change length when the cover is opened, as recited by independent Claim 1.

Notably, it appears as though the Office Action may confuse the "resilient biasing strap" of the claimed invention with the "flexible pivot member" of the claimed invention. See the Office Action, page 2, at bottom, and page 6. Specifically, the specification states that the flexible member might be made of a synthetic rubber. The specification does not specifically state that the resilient member is made of a synthetic rubber, as the Office Action seems to suggest. While the resilient member of the claimed invention could conceivably be made of synthetic rubber or any other polymer, the resilient member would be configured to not change length when the cover is opened, as recited by independent Claim 1 and in contrast to the Horiuchi device.

Furthermore, Claim 1 recites that the biasing strap interconnects the housing and the cover. Figures 4A, 4B, and 4C of the present application show how strap 30 interconnects the

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cover 4 to the housing (2 and 3). These figures show how the strap 30 is connected at one end to the cover 4 and at the other end to the housing (2 and 3). In contrast, the fabric hinge part 5 of Horiuchi connects only the two portions of the removable fabric case for the phone and not the portions of the phone themselves. While hinge A3 of Horiuchi may interconnect two portions of an electronic device, hinge A3 is not a resilient biasing strap as recited by independent Claim 1.

For at least all of the reasons describes above, Horiuchi does not teach or suggest the invention recited by independent Claim 1. As such, Applicant respectfully submits that the claimed invention of independent Claim 1, and by dependency 2-13, 15, 17, 19, 21, 23, 25, and 27, is patentably distinct from the Horiuchi patent, thereby overcoming the rejection of independent Claim 1 and certain of the dependent claims as being either anticipated or rendered obvious by Horiuchi.

#### **4. The Zezza Patent**

Applicants would also like to point out that the Zezza patent, which is used in combination with Horiuchi to reject Claims 3-7, 17, 19, 21, 23, 25 and 27 under 35 U.S.C. § 103(a), is not directed to the housing of an electronic device. Zezza is instead directed to a hinge for leather goods, such as a wallet or billfold. Furthermore, the Office Action cites the leaves 30 of Zezza as teaching the resilient straps of the claimed invention. Leaves 30, however, are not in any way involved in biasing the hinge or the portions of the wallet or billfold. Therefore, Zezza does not teach or suggest a resilient biasing strap wherein the at least one biasing strap is configured to bias the cover into the open position in which the cover extends away from the housing, as recited by independent Claim 1.

In particular relative to the claim recitations highlighted above, Zezza does not teach or suggest a hinge comprising a flexible pivot member, a resilient biasing strap constructed of a material that does not change length when the cover is opened or an electronic device having both a hinge comprising a flexible pivot member and at least one resilient biasing strap. In fact, the Official Action cited Zezza for other purposes and does not contend that Zezza teaches or suggests any of the foregoing claim recitations. Thus, even if Zezza were combined with Horiuchi, the combination of the references does not teach or suggest independent Claim 1 or any of the claims that depend therefrom for each of the reasons described more fully above in

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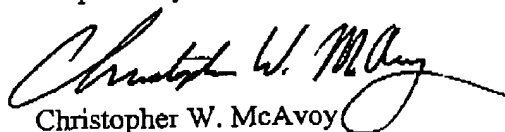
conjunction with Horiuchi. The rejection of Claims 3-7, 17, 19, 21, 23, 25 and 27 as being obvious over the combination of Horiuchi and Zezza is therefore also overcome.

**Conclusion**

In view of the foregoing remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,




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Sarah B. Simmons

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